

## MVD Procedural Quick Update

#39

**RE: Limited Licenses**  
**Effective date: Immediate (no change; clarification only)**

Date: August 23, 2007  
To: All MVD  
From: Mac Lewis, MVD Policy and Procedures Manager

*[This is the latest in a series of procedural updates. These updates deal with specific MVD procedures and practices. Managers and Supervisors should consistently distribute the updates to all personnel and integrate them into regular information and training sessions.]*

**Sec. 66-5-35 provides for issuance of a Limited License to allow certain individuals whose drivers' licenses have been suspended or revoked to engage in gainful employment, to attend school or to attend a court-ordered treatment program.**

**There are, however, a number of individuals for whom a Limited License is not available, including those whose license has been suspended for nonpayment of child support, and those with a commercial driver's license (CDL).**

Sec. 66-5-35 states that, "Upon suspension or revocation of a person's driver's license following conviction or adjudication as a delinquent under any law, ordinance or rule relating to motor vehicles, a person may apply to the department for a license or permit to drive, limited to use allowing the person to engage in gainful employment, to attend school or to attend a court-ordered treatment program, ...."

Because the Limited License statute only applies when an individual's license has been suspended or revoked based on a "conviction or adjudication as a delinquent," it does not apply, and a limited license is not available when the suspension or revocation is:

- under of the Parental Responsibility Act (PRA) for failure to make child support payments; or
- for failure to appear under the Mandatory Financial Responsibility Act.

Also not eligible for a Limited License under Sec. 66-5-35 are:

- any driver holding a revoked or suspended commercial driver's license (CDL);
- any driver whose license is revoked or suspended for DWI (who may instead be eligible to receive an ignition interlock license); or
- any driver whose license is revoked for committing homicide by vehicle or great bodily injury by vehicle.

A driver whose CDL has been revoked or suspended may surrender the CDL in order to get a non-commercial limited license. However, to re-establish the CDL after the revocation or suspension has expired, the driver would then have to apply for a new CDL, subject to the same requirements as any first-time CDL applicant.

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Field office managers and supervisors should refer any comments or questions regarding this Procedural Quick Update to their Bureau Chiefs, with cc to [mac.lewis@state.nm.us](mailto:mac.lewis@state.nm.us). Others are encouraged to direct comments or questions directly to Mac Lewis, MVD Policy and Procedure Manager, at [mac.lewis@state.nm.us](mailto:mac.lewis@state.nm.us).

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